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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,373	07/27/2001	Charles Matthew Erwin	406	7623

7590 01/09/2003  
CIENA Corporation  
Legal Department  
1201 Winterson Road  
Linthicum, MD 21090

EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 01/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/916,373

Applicant(s)

ERWIN, CHARLES MATTHEW

Examiner

Minh Trinh

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3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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### DETAILED ACTION

1. Applicant's election with traverse of invention I (claims 1-10) in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the examiner has not established a prima facie case of serious burden of examination of the inventions I and II together. This is not found persuasive because the examiner has, established a prima facie case having shown in paper No. 4 (first paragraph and second paragraph), that the invention I has a separate classification from the invention II. Moreover, the inventions I and II each have a separate status in the art as shown by their different classification. In accordance with MPEP §803, the Examiner has demonstrated that the inventions I and II are each independent or distinct as claimed (indicated in Paper No. 4) and a serious burden would be placed on the Examiner as discussed above. The requirement is still deemed proper and is therefore made **FINAL**.

2. Claims 11-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected invention II there being no allowable generic or linking claim. Applicant timely traversed the restriction requirement in Paper No. 5. An Office Action on the merits of claims 1-10 follows.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pins in the pin connectors are pushed out of the pin connectors from a rear side of the backplane,

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must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "apparatus for telecommunications equipment".

5. The abstract of the invention should be revised to reflect the structure claims.

#### ***Claim Objections***

6. "An" (dependent claims 2-9, line 1) should be changed to :--The --. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 10 is rejected under 35 U.S.C. 102(b) as being unpatentable over Sherry (US 5,557,617).

Sherry discloses an apparatus for facilitating the servicing of a telecommunications device having a chassis (10, Fig. 1), electronic modules (16, 18, 20 Fig. 1), a backplane (52, Fig. 2), and pin connectors (54, Figs 2, 9) for connecting the electronic modules to the backplane (52) comprising: a catch basin module 16 insertable into a slot in the communication device (10, Fig. 1) in which at least one of the electronic modules (16, Fig. 1) would normally be disposed, said catch basin module receiving and collecting pins 54 to be pushed from a rear side of the backplane out of the backplane 52 (see related Figure 9, shows a catch module 16 is being receiving pins from the rear side of its backplane 52). It is noted that the limitations "receiving and collecting pins to be pushed from a rear side of the backplane out of the backplane " is functionally intended use, because the applied art discloses every structural limitations as recited in claim 10 then it would perform same such functionally intended use.

9. Claim 10 is also rejected under 35 U.S.C. 102(a) as being unpatentable over Applicant Admitted Prior Art (APA, specification, page 1, 3<sup>rd</sup> paragraph).

APA (page 2, 3<sup>rd</sup> paragraph) discloses an apparatus comprising a catch module for receiving and collecting pins to be pushed from a rear side of the backplane out of the backplane (as described in page 1, 3<sup>rd</sup> paragraph). Noted that "the module" of APA is broadly readable as "the catch module" of the present invention.

***Allowable Subject Matter***

10. Claims 1-9 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach the limitations: a catch basin module 20 including a rear wall 24 having a window 26, said window being dimensioned to surround a group of pin connectors 14 disposed on the backplane 6 behind the slot into which said catch basin insertable; and a bottom surface 28 disposed below said window 26 which abuts the backplane under the pin connectors 11C when said catch basin module 20 is inserted into the slot; wherein when pins 11C in the pin connectors are pushed out of the pin connectors from a rear side of the backplane 6, the pins fall onto said bottom surface 28 of said catch basin module 20 and do not fall into the chassis of the telecommunications device as recited in claim 1.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

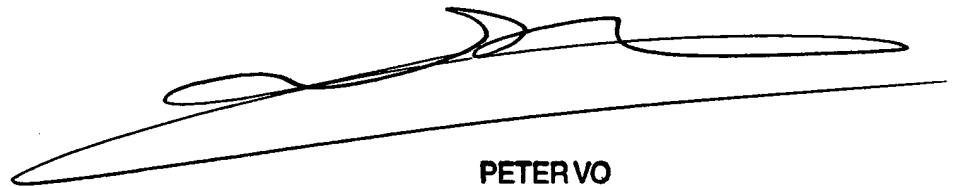
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt  
December 4, 2002

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the bottom.

**PETER VO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**